



Remarks

Claims 1, 18, 24 and 25 have been amended, claims 31, 34 and 37 have been canceled and new claims 40-45 have been added. Review and reconsideration in light of the amendments and the remarks below are respectfully requested.

Claim 18 is rejected under 35 U.S.C. §112 as being indefinite. Accordingly, claim 18 has been amended to address that rejection.

Claims 1-3, 5-11, 15-18, 21-29 31-33, 35, 36, 38 and 39 are rejected as being anticipated by U.S. Pat. No. 1,918,773 to Morehouse. Accordingly, each of independent claims 1, 24 and 25 have been amended to include the subject matter of claims 31, 34 and 37, respectively, and claims 31, 34 and 37 have been canceled.

Claims 31, 34 and 37 are rejected over Morehouse in view of U.S. Pat. No. 2,613,956 to Erikson. Accordingly, to the extent the rejection of claims 31, 34 and 37 would be carried to amended claims 1, 24 and 25, such rejections are respectfully traversed for reasons outlined below.

The Office action admits that the Morehouse reference does not disclose a binding mechanism that is fixedly and non-rotatably coupled to the spine, as specified in claims 31, 34 and 37. The Office action then cites to the Erikson reference as disclosing a binding mechanism 11 that is fixedly and non-rotatably coupled to the spine 3. The Office action then concludes it would have been obvious to one of ordinary skill in the art to have combined the binder of the Morehouse reference with the binding mechanism of the Erikson reference in order to result in a binder with a more stable cover.

However, it is submitted that the Morehouse reference specifically teaches against such a modification. More particularly, the binding mechanism of the Morehouse reference is pivotally coupled to the spine 12 by a pintle (i.e., pivot pin) 32 as shown in Fig. 5. The pivoting nature of the binding mechanism can be seen by comparing Fig. 5 of the Morehouse reference (wherein the binding mechanism lies flat against the bottom hinge strip 9) to Fig. 3 (wherein the binding mechanism is pivoted about pintle 32 away from the bottom hinge strip 9). This pivoting motion is described at page 2, lines 92-97 of the Morehouse reference.

The Morehouse reference emphasizes that the pivoting nature of the binding mechanism provides particular advantages. More particularly, the pivoting motion is emphasized to permit a

freer motion of folding of each page, such that each page can be more fully exposed and viewed. For example, when it is desired to view a page in the middle of the stack of pages, the stack can be pivoted to the position shown in Fig. 6 in which the middle pages can be easily viewed without having to manually hold and lift away the upper pages. In contrast, the configuration of Fig. 3 can be used when it is desired to view the front-most pages. For example, as noted at page 2, lines 97-111 of Morehouse:

As the successive leaves of the sheaf of pages 33 are folded backward, their weight and position operate on the bars 35 and 36 to swing them in a reverse direction, back into the space between the hinge members 8 and 9, thereby to tend to relieve the tension on the sheaf of pages folded back and to permit a freer motion of folding of each leaf, and to expose more freely to view the uncovered page of the front face of the easel, without any overhanging portion of the folded-back pages. By this means, the leaves or sheets 33 may be folded back with greater facility and the pages may be exposed to view more completely.

In addition, as noted at page 1, lines 7-12, the Morehouse reference indicates that an object of that invention is to provide a loose-leaf binder which provides clearance for each page "as it is folded while the device is in the easel form." Further, at page 1, lines 26-38, the Morehouse reference indicates that the invention "consists of" paper-clamp plates, wherein one of the clamp plates is hingedly secured "so that when the book is opened to its easel condition or form, the entire bound pages of the sheets may be swung out from between the hinged strips of the back of the book and clear of the back of the book." Each of the independent claims (claims 1 and 2) of Morehouse specify that the loose-leaf book has a bar having its outer edge hingedly secured to the outer edge of a hinge member. Thus, it can be seen that the very thrust and purpose of the Morehouse reference is related to the pivotable nature of the binding mechanism.

As is well known, and noted at MPEP §2143.01, if a proposed modification would render the primary reference unsatisfactory for its intended purpose, then there is no suggestion or motivation for the proposed modification. In addition, as is well known and is also noted in MPEP §2143.01, if a proposed combination of a prior art would change the principles of operation of the primary reference, the teachings of the references are not sufficient to render the claims obvious. In this case, the Office action proposes a modification which comprises fixedly coupling the binding mechanism to the spine. However this modification would remove the

pivotable features and render the objects and specified advantages of the Morehouse reference ineffective. Thus, it is submitted that claims 1, 24 and 25, as amended, patentably distinguish over the cited references.

New independent claim 44 specifies that the spine is generally flat and planar, and also specifies that the front and rear covers are pivotally and directly coupled to the spine. In contrast, what has been construed as the spine of the Morehouse reference is not generally flat and planar, but instead includes a curved portion 12 and straight segments 8, 9. Even if one of the straight segments 8, 9 were to be construed as the spine, it is noted that only one of the covers 18, 19 is "directly" coupled to any one of the straight segments 8, 9.

As shown in Fig. 5 of this application, the spine 16 is at the "apex" of a triangle and allows page 29 to freely hang downwardly. In contrast, as can be seen in Fig. 6 of the Morehouse reference, the stacked papers 33 are recessed in a cavity defined by the generally "U"-shaped spine, which causes creasing in the papers 33 lying over either of the covers 18, 19.

Claim 44 also specifies that the generally planar spine is aligned in a plane that is generally parallel to the support surface when the binder is in the self-supporting configuration. In contrast, the straight segments 8, 9 of the Morehouse reference are each aligned in a plane that is generally perpendicular to the support surface when that binder is in a self-supporting configuration. Thus it is submitted that claim 40 distinguishes over the Morehouse reference.

New claims 40 and 41 depend from independent claim 1 and further distinguish over the cited art. New claim 42 and 43 depend from independent claim 26 and further distinguish over the cited art. New claim 45 depends from claim 44 and further distinguishes over the cited art.

Accordingly, it is submitted that the application is now in a condition for allowance, and a formal notice thereof is respectfully solicited.

The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension. The Commissioner is authorized to charge any additional fees required by this paper or to credit any overpayment to Deposit Account No. 20-0809.

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Respectfully submitted,



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